

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC) ON BEHALF OF THE
DEPARTMENT OF HEALTH SERVICES (DHS)**

**REGARDING THE 2003 UNIFORM MECHANICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

ADOPTION OF NEW MODEL CODE FOR USE IN CALIFORNIA AS TITLE 24, PART 4

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Health Services (DHS, also referred to as the Department) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from March 3, 2006, until 5:00 PM on April 18, 2006. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Stanley T. Nishimura, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

CBSC on behalf of the Department of Health Services proposes to adopt these building standards under the authority granted by Health and Safety Code Section (H&SC) 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928. CBSC is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Department of Health Services (the Department)

Health & Safety Code Section 100275. Rules and regulations

The Department may adopt rules and regulations for the execution of its duties.

Health & Safety Code Section 113710. Adoption of regulations

The Department shall adopt regulations to implement and administer this chapter.

Health & Safety Code Section 113730. Building code compliance

Any construction, alteration, remodeling, or installation of equipment in a food establishment pursuant to this chapter shall be in accordance with applicable building codes and shall be approved by the enforcement officer.

Health & Safety Code Section 114140. Ventilation

Stipulates ventilation requirements for food establishments

Summary of Existing Regulations

The existing 2001 California Mechanical Code (CMC) is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by CBSC, the 2000 Uniform Mechanical Code (UMC) of the International Association of Plumbing and Mechanical Officials (IAPMO), amendments for occupancies regulated by the Department.

Summary of Effect

This proposed action will make effective the 2003 UMC of IAPMO with necessary amendments for food establishments as identified pursuant to Health and Safety Code Sections 100275, 113710, 113730, and 114140, 180 days after the publication of the 2004 CMC. This proposed action by CBSC will also make the 2001 CMC inoperative for occupancies regulated by the Department, and for persons applying for a building permit upon the effective date of the 2004 CMC.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the UMC makes it applicable for occupancies regulated by the Department, or any person seeking a building permit at the local level, the most current edition of the UMC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UMC provides an up to date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the 2004 CMC.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CBSC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC

18938(b) makes applicable the most current edition of the model mechanical code to occupancies regulated by the Department of Health Services in the State of California.

ESTIMATE OF COST OR SAVINGS

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399))

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

Estimate: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

CBSC has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or elimination of jobs within the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the CBSC website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the CBSC website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Jane Taylor, Tom Morrison (back-up person)
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, Associate Architect
California Building Standards Commission
(916) 263-0916
jane.taylor@dgs.ca.gov
(916) 263-0959, Fax